

Serial No. : 10/032,588  
Docket No. : 40655.3800

## REMARKS

Applicants reply to the Office Action mailed on April 6, 2006 within the shortened statutory three month period for reply. Claims 1-13 were pending in the application and the Examiner rejects claims 1-13. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

### Claim Objection

The Examiner objects to the use of "opening" and "establishing" in the same claim. Applicants amend the claims to consistently use the term "establishing".

### Claims Rejected under 35 U.S.C. § 112

The Examiner has rejected claims 1-13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully disagree.

Claims 1, 11, and 12 of the instant application contain the similar limitation of, "establishing a line of credit and establishing a brokerage account for said applicant, wherein said brokerage account and said line of credit are established in real-time via said host server and without human intervention." With regard to this limitation, the Examiner states that, "[a] review of the Applicant's specification has no discussion relating to 'human intervention'...it appears that there is some human intervention with the process of establishing a brokerage account" (page 3, item 6). The Examiner then makes reference to various sections of the disclosure as evidence that the process requires human intervention.

Applicants assert that the Examiner has confused the application/registration process with the establishment process as disclosed both within the specification, and as accurately reflected in the claims. The claims in question begin with disclosing the application/registration process, which comprises the step of, "receiving, by said host server, a request to establish a brokerage account including data related to an applicant" (claim 1). This is clearly disclosed, for example, on page 14 of the specification, which reads, "[u]pon agreeing to the terms of this brokerage agreement, account registration follows, where the Applicant 1 is prompted to select or enter information into

Serial No. : 10/032,588  
Docket No. : 40655.3800

various fields" (page 14, paragraph 2). Naturally, human interaction is necessary in order to apply/register for a brokerage account and credit line. The specification and claims go on to disclose that the application (request) information is then transmitted to a server, wherein data from the application is forwarded to a credit bureau system for credit decisioning. The server then receives the credit decision, and in response to a favorable decision, establishes a line of credit and establishes a brokerage account. It is in this step that is disclosed that the accounts are, "established in real-time via said host server and without human intervention" (claim 1).

The establishing of accounts in real-time and without human intervention are clearly disclosed within the specification. For example, a method is described for establishing an account, wherein "the Web Server 110 executes an appropriate servlet to capture the data, open a new account and invoke remote methods to pass account data as necessary" (page 14, paragraph 2). Those of ordinary skill in the art would recognize that programs executing on a server are carrying out the process of establishing an account and communicating account data without human intervention. Moreover, page 9, paragraph 2, for example, in the instant application describes a process used when an application cannot be automatically processed due to an error or when an application is not approved.

The Workflow System 150 is a server/database computer system configured to facilitate the manual processing of applications which are not automatically processed. The primary function of the Workflow System 150 is to process and facilitate requests that are not automatically processed by the application server 120. As such, the Workflow System 150 is configured to allow application data to be captured and available for manual processing in the event that a particular applicant is not approved or when an error in the automated processing occurs" (emphasis added).

In other words, this disclosure demonstrates that when an application cannot be processed due to an error or declined application, a manual process is provided by the Workflow System. Otherwise, all other applications are processed in the normal fashion, which is by way of automation. Merriam-Webster® defines "automation" as follows: "automatically controlled operation of an apparatus, process, or system by mechanical or electronic devices that take the place of human organs of observation, effort, and decision" (emphasis added).

Applicants respectfully request the Examiner to consider the following arguments, in light of the proceeding arguments presented to overcome the 35 U.S.C. § 112 rejection.

Serial No. : 10/032,588  
Docket No. : 40655.3800

### **Claims Rejected under 35 U.S.C. § 103**

The Examiner rejects claims 1-13 under 35 U.S.C. § 103(a) as being unpatentable over Weiss et al., U.S. Patent No. 6,354,490 ("Weiss") in view of Lent et al., U.S. Patent No. 6,405,181 ("Lent"). Applicants respectfully traverse this rejection.

Weiss discloses an integrated financial system that integrates a number of different financial accounts into a single account. A user of the Weiss system may establish a primary account and define a number of sub-accounts to be included within the primary account. The Weiss system provides an interface, wherein a user may step through the account creation process, select desired sub accounts, and later interact with the system to move funds between the various sub-accounts. Weiss further discloses that a user may establish one or more securities accounts. The Weiss system requires a licensed bank employee (i.e., a person) to open an account at a scheduled time or to arrange a call-back to schedule a time to open the account (i.e., not a real-time event). According to Weiss, "Specifically, the system displays a securities work window that allows the user to enter an appointment date and time or ask for a call back" (Col. 17, lines 36-40). "The reason for this is that typically information to building the securities component must be handled by a licensed bank employee" (Col. 17, lines 40-42). "If an appointment is made, then the system builds a securities confirm message and the system returns to the statement building screen" (Col. 17, lines 42-44).

The Examiner correctly notes that Weiss fails to teach real-time opening of a brokerage account through "the use of a host server and without human intervention" (page 4, paragraph 1). However, the Examiner asserts that Lent teaches this limitation.

Lent generally discloses a system for real-time credit card approval. Specifically, the Lent system enables an applicant to enter personal information online, which is then formatted and transmitted to a credit reporting agency. Based on the user's personal information (e.g., income, length of employment, home ownership and debt) in combination with a returned credit score, the Lent system may establish a line of credit for the user. Lent further provides a user interface, whereby the user can later interact with the system to transfer funds from the line of credit to a number of secondary accounts. While the establishment of the line of credit, as disclosed by Lent, does not require human intervention; the step of transferring funds from the line of credit to a secondary account requires the user to interact with the system to invoke a transfer transaction after the line of credit has been established. Therefore, the Lent system would first require a user to request a line of credit or other monetary account. Then, when an account has been established, the

Serial No. : 10/032,588  
Docket No. : 40655.3800

user must request that a sum be transferred from the monetary account to the investment account. In other words, the Lent system would require user action to establish both accounts, and one account is not automatically created upon creation of the other. As such, neither Weiss, Lent, nor any combination thereof, disclose or suggest at least, "based upon said establishing said line of credit and said brokerage account, and without human intervention, transferring a monetary value from said line of credit to said brokerage account to activate said brokerage account, wherein said monetary value is immediately available for participation in an investment," as similarly recited by independent claims 1, 11, and 12.

Applicants assert that claims 2-10 and 13 variously depend from independent claims 1 and 12, so claims 2-10 and 13 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: July 6, 2006

By: 

Howard Sobelman  
Reg. No. 39,038

**SNELL & WILMER L.L.P.**  
400 E. Van Buren  
One Arizona Center  
Phoenix, Arizona 85004  
Phone: 602-382-6228  
Fax: 602-382-6070  
Email: [hsobelman@swlaw.com](mailto:hsobelman@swlaw.com)

AXP No: TH200105204  
1850478.1

8